

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/975,457	Confirmation No. 9832
Appellant	:	Gordon T. Brown	
Filed	:	October 11, 2001	
Title	:	AUTOMATED ACCOUNTING SYSTEM	
TC/A.U.	:	3689	
Examiner	:	Dennis William Ruhl	
Docket No.	:	47781-7	
Customer No.	:	29694	

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

July 22, 2009

Sir:

Appellants submit this Reply Brief in response to the Examiner's Answer mailed May 22, 2009.

RELATED APPEALS AND INTERFERENCES

This application is related to U.S. Patent No. 5,875,435¹, which was the subject of Reexamination No. 90/008,481. The result of the 90/008,481 Reexamination Proceeding was that the patentability of all of the original Claims 1-18 of the '435 Patent was *confirmed*, and new Claims 19-56 were determined to be *patentable*. Copies of the original '435 Patent and the Reexamination Certificate dated June 9, 2009 are attached in the Evidence Appendix.

The 5,875,435 patent has been asserted by the patent owner, NOAH Systems, Inc., against Intuit Inc. in Civil Action No. 06-cv-00933-AJS filed in the United States District Court for the Western District of Pennsylvania. That civil action was stayed pending the outcome of the 90/008,481 Reexamination Proceeding, and has now been reopened based upon the issuance of the Reexamination Certificate.

¹ The 5,875,435 patent is a continuation-in-part of Application Serial No. 08/313,988 filed September 28, 1994. The present application is a continuation of the 08/313,988 application.

This application is also related to Application Serial No. 09/975,458², which is currently pending. An Office Action dated June 2, 2009 was issued by the USPTO in which the claims of the 09/975,458 application were rejected as allegedly being unpatentable over U.S. Patent No. 4,823,265 to Nelson, or Nelson '265 in view of U.S. Patent No. 5,117,356 to Marks. A copy of the June 2, 2009 Office Action, including the applied references, is attached in the Evidence Appendix.

ARGUMENT

Claims 45-52, 54, 58-70, 74-81, 83-92, 96-108 and 112-119 Are Not Anticipated by Lawlor et al. '501

In the Examiner's Answer, the rejection of Claims 45-52, 54, 58-70, 74-81, 83-92, 96-108 and 112-119 as allegedly being anticipated by Lawlor et al. '501 was maintained. The deficiencies of the Examiner's rejection based on the Lawlor et al. '501 reference are set forth in Appellant's Appeal Brief and will not be repeated here. However, Appellant notes that Lawlor et al. '501 was of record during the initial prosecution of Appellant's '435 Patent, and was of record in the Reexamination Proceeding. The USPTO has confirmed the patentability of original Claims 1-18 of the '435 Patent, and has determined that new Claims 19-56 are patentable over the prior art of record, including the Lawlor et al. '501 reference.

The fact that the USPTO issued a Reexamination Certificate in Appellant's '435 Patent confirming the patentability of all claims further supports Appellant's position that the Examiner's rejection of the currently pending claims over Lawlor et al. '501 is improper.

² Application Serial Nos. 09/975,457 and 09/975,458 are both continuations of the 08/313,988 application.

CONCLUSION

Although the presently claimed invention is patentable over Lawlor et al. '501, Appellant intends to abandon this application in view of the confirmed patentability of the claims of Appellant's '435 Patent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Towner", is written over a light gray rectangular background.

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EVIDENCE APPENDIX